IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4729 of 1997

Between:

1 Korada Ammaji, w/o, late Appalanarasiah, Hindu, Resident of Door No. 14-12-12,
Ramajogipet, Maharanipet, Visakhapatnam.
2 K. Apparao, son of late Appalanarasiah, Hindu, Resident of Door No. 14-12-/1/2, Ramajogipet,
Maharanipet, Visakhapatnam,

..... PETITIONERS

AND

1 APSRTC. rep. by its Vice Chairman, cum- Managing Director, Musheerabad, Hyderabad.
2 Regional Manager, APSRTC Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus directing the respondents herein to appoint the second petitioner as Conductor or in any other suitable post on compassionate basis.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court made the following :

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ORDER:

Heard the learned counsel appearing for the petitioner and also the learned Standing Counsel appearing on behalf of the respondents.

Petitioners 1 and 2 herein are the wife and son of the deceased employee who worked as Conductor with the respondent Corporation, filed this Writ Petition inter alia, seeking mandamus seeking for a suitable post on compassionate grounds.

The case of the petitioners in brief is that the husband of the first petitioner who is working as Conductor died on 29th June, 1999 therefore, she made representations for providing her suitable employment in Class IV Service in the Corporation but the same is not considered by the respondents. Hence, the present Writ Petition.

In the counter filed by the respondents, it is stated that at the relevant point of time, she submitted applications on 8.9.1988, 20.9.1988 and 30.1.1989 requesting the respondents to provide her suitable employment but she clearly informed through letter dated 2.9.1989 that as per circular instructions dated 14.7.1988 neither

herself nor any one of her children were possessing requisite educational qualifications for any of the posts to be considered under 'deceased employees' children quota and hence, she was advised to prefer Additional Monetary Benefit fund in lieu of employment. Accordingly, the first petitioner submitted her requisition dated 9.9.1989 expressing her willingness to receive the Additional Monetary Benefit in lieu of employment and also claimed the same through letter dated 14.9.19890 and she reiterated the same through letter dated 19.11.1989. In response to her letter, the Regional manager, Vizianagaram has accorded sanction for an amount of Rs. 24,195 towards Additional Monetary Benefit and the same was deposited in APSRTC Cooperative Credit Society Limited, Hyderabad in a fixed deposit and she is being paid monthly interest on the fixed deposit. Therefore, having received the benefit, it is not open for the petitioner once again to make a claim for providing employment and therefore, the writ petition is liable to be dismissed.

Having heard the learned counsel appearing on either side and also on perusal of the material on record, the question that calls for consideration is whether the petitioners, wife and son of the deceased employee, are entitled to any benefit of providing the employment on compassionate grounds. There is no dispute to the fact that the husband of the first petitioner died on 29th June 1999 and subsequent to that representations were made on behalf of the petitioners for providing employment. However, having regard to the fact that at the relevant point of time, as per the scheme, neither the petitioner nor her son is entitled to be appointed with any of the post in the Corporation. Hence, at the instance of the petitioner and in pursuance of the option exercised through letters dated 9.9.1989 and 14.7.1988, an amount of Rs. 24,195/- was sanctioned towards Additional Monetary Benefit and kept the same in fixed deposit in APSRTC Cooperative Credit Society and the petitioner is getting interest on the amount. As the second petitioner has subsequently become major and acquired the qualification of SSC, the first petitioner filed a representation for providing employment to her son. But the same was not considered. It is well settled that the compassionate appointment is not a vested right to claim as a matter of right. In this case, it is not the case of the petitioners that they have not provided with any benefit at all. In fact instead of providing employment, the first petitioner was given Rs. 24,195 as Additional Monetary Benefit and the same is still kept in the fixed deposit and the petitioners are regularly getting interest thereon. In fact, the request

for appointment on compassionate grounds must be made within three years if he or she is having requisite qualifications as per the circulars of the Corporation. Admittedly, the petitioner No. 2 has become major and obtained qualification of SSC long after the expiry of the period prescribed. In the circumstances, I do not find any merit in the claim made by the petitioners.

Accordingly, the Writ Petition is dismissed. No costs.

B. PRAKASH RAO, J

Dated: 02.12.2004

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To

1 APSRTC. rep. by its Vice Chairman, cum- Managing Director, Musheerabad, Hyderabad.
2 Regional Manager, APSRTC Vizianagaram.

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